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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,309	10/20/2003	Bindu Rama Rao	14896US02	2872

23446 7590 12/30/2004

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

INGBERG, TODD D

ART UNIT PAPER NUMBER

2124

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/689,309

Applicant(s)

RAO ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 16 have been examined.

Priority

1. Claim to domestic priority has been granted.

Information Disclosure Statement

2. The Information Disclosure Statement (IDS) filed January 22, 2004 has been considered.

Drawings

3. Drawing submitted on October 20, 2003 have been approved.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The following shows one possible way to overcome the rejection.

recorded on a computer readable medium and executing on a computer

Claim 1

A system employing Synchronization Markup Language (SyncML) **recorded on a computer readable medium and executing on a computer** device management specifications to facilitate firmware updates in an electronic device, the system comprising: at least one electronic device having a memory, at least a portion of the memory comprising non-volatile memory containing firmware; a SyncML server communicatively coupled to the electronic device, the server comprising an enhanced SyncML DM server software; and a SyncML DM client resident in the electronic device, wherein the SyncML DM client is capable of interpreting enhancements to the SyncML DM specifications for updating the firmware.

Claim 15

A method for updating firmware **recorded on a computer readable medium and executing on a computer** in an electronic device in a system employing enhancements to SyncML DM

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specifications, the system comprising the electronic device, and a SyncML server, the method comprising: receiving, by a SyncML DM client resident in the electronic device, a SyncML based notification from the SyncML server; parsing the notification; and sending the notification for user review and subsequent user input.

Claim 26

A SyncML DM interpreter recorded on a computer readable medium and executing on a computer in an electronic device, wherein the SyncML DM interpreter supports updates and downloads of software and firmware in the electronic device

Allowable Subject Matter

5. Claims 1 – 26 are allowed.

the Craig et al reference US 6,266,809 fails to teach the use of Synchronization Markup Language (SyncML). The remainder of the reference teaches the application of updating firmware with notifications, alerts, security, protocol, security device, commands, downloading, an interaction with the user (Fig 4A) success determination, failure, verification after the firmware is downloaded. and managed central networked computer with the updates. Yet the ability to combine with the prior art of record teaching a Synchronization Markup Language (SyncML) required prohibited hindsight reconstruction. The use of Synchronization Markup Language (SyncML) for document updating is of record. Many of the concurrency issues resolved in the instant invention for updating firmware are present in streaming media. However, no motivation to combine the use of Synchronization Markup Language (SyncML) and updating firmware is of record.

Correspondence Information

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (571) 272-3723 (as of October 23, 2004).

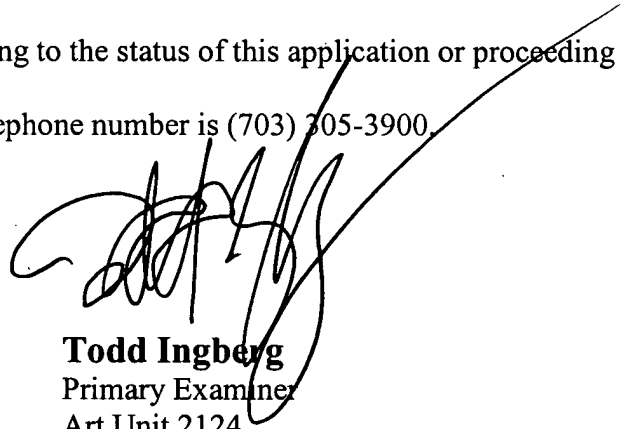
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (571) 272-3719. Please, note that as of August 4, 2003 the **Official FAX number** changed to (703) 872-9306.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A large, stylized handwritten signature in black ink, likely belonging to Todd Ingberg, is written over the printed name and title.

Todd Ingberg
Primary Examiner
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December 27, 2004